

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jun Koyama et al.

Art Unit : 2629

Serial No. : 10/705,827

Examiner : Prabodh M. Dharia

Filed : November 13, 2003

Conf. No. : 7838

Title : DISPLAY DEVICE AND DRIVING METHOD OF THE SAME

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**LETTER REGARDING PATENT TERM ADJUSTMENT**

Applicants hereby petition for reconsideration of the Patent Term Adjustment (PTA) accorded the above-referenced patent application. The Notice of Allowance including a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b), which was mailed July 3, 2008, states that the Patent Term Adjustment at allowance is 0 days. The PAIR system shows a PTO Delay of 192 days and an Applicant Delay of 408 days. Correction of the Patent Term Adjustment calculation is respectfully requested in the manner described herein.

**I. REVIEW OF PATENT TERM ADJUSTMENT CALCULATION**

A review of the Patent Term Adjustment History in the PAIR system shows that the United States Patent and Trademark Office (PTO) calculated delays that affected the Patent Term Adjustment (PTA) calculation as follows:

- A. The PTO mailed a non-final Office Action on June 1, 2005 (14 months after filing is January 13, 2005 - a 139 day PTO delay), to which Applicants submitted a response on September 29, 2005. The PAIR system indicates that the PTO's receipt of the response on September 29, 2005, resulted in an Applicant Delay of 28 days. Applicants concur with this patent term adjustment calculation.
- B. The PTO mailed a non-final Office Action on March 23, 2006 (4 months after receipt of last action response is January 29, 2006 - a 53 day PTO delay), to which Applicants submitted a response on July 24, 2006. The PAIR PTA system does not indicate receipt of the response. However, the amendment and proof of the same is shown in the PAIR Image File Wrapper. Applicants respectfully request reconsideration of this PTA calculation.

- C. The PTO mailed a final office action on March 8, 2007 (4-month date for the PTO to respond to the previous response was November 24, 2006 - a 104 day PTO delay), to which Applicant submitted a response on June 8, 2007. No PTO delay was assessed for the delayed reply to applicants response. Applicants respectfully submit that the PTO's calculation of Applicant Delay contains an error and that the correct total of Applicant Delay for this response is 0 days, not the 350 days determined by the PTO.
- D. The PTO mailed a non-final Office Action on August 14, 2007, to which Applicants submitted a response on December 14, 2007. Applicants concur with the determined Applicant Delay of 30 days.
- E. The PTO mailed an ex Parte Quayle Office Action on February 27, 2008, to which Applicants submitted a response on April 28, 2008. Applicants concur with the PTO in that there is a 0 day patent term adjustment calculation.
- F. The PTO mailed a Notice of Allowance on July 3, 2008. Applicants concur with the PTO in that there is a 0 day patent term adjustment calculation.

## II. REMARKS

In consideration of the events described above, Applicants believe the current calculation of 408 days of Applicant Delay and 192 days of PTO Delay is incorrect. In view of the foregoing, please review these calculations as there may be more or less "APPL Delay" and/or more or less "PTO Delay" than indicated in the Patent Term Adjustment mailed July 3, 2008.

Applicants therefore respectfully request recalculation of the PTA calculation in the following manner to reflect a total of 89 days of Applicant Delay:

- 28 days for delayed response to June 1, 2005 Office Action;
- 31 days for delayed response to March 23, 2006 Office Action; and
- 30 days for delayed response to August 14, 2007 Office Action.

Applicants also respectfully request recalculation of the PTA calculation at issuance in the following manner to reflect a total of 296 days of PTO Delay:

- 139 days for delayed issuance of a first office action beyond the 14 months;

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- 53 days for delayed reply to Applicants' response filed September 29, 2005; and
- 104 days for delayed reply to Applicants' response filed July 24, 2006.

Please apply the fee of \$200 required under 37 C.F.R. § 1.18(e) and any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

  
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Date: October 2, 2008

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